

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOHN CREIGHTON, JAMES
FITZPATRICK and WILLIAM
GALVIN, on behalf of themselves
and others similarly situated,
Plaintiff(s),

CASE NO. CV 06-03860 TEH

v.
UNISOURCE WORLDWIDE,
INC., and DOES 1 through 50,
inclusive,

STIPULATION AND [PROPOSED]
ORDER SELECTING ADR PROCESS

Defendant(s).

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Counsel report that they have met and conferred regarding ADR and have reached the following stipulation pursuant to Civil L.R. 16-8 and ADR L.R. 3-5:

The parties agree to participate in the following ADR process:

Court Processes:

- Non-binding Arbitration (ADR L.R. 4)
 Early Neutral Evaluation (ENE) (ADR L.R. 5)
 Mediation (ADR L.R. 6)

(Note: Parties who believe that an early settlement conference with a Magistrate Judge is appreciably more likely to meet their needs than any other form of ADR, must participate in an ADR phone conference and may not file this form. They must instead file a Notice of Need for ADR Phone Conference. See Civil Local Rule 16-8 and ADR L.R. 3-5)

Private Process:

The parties have agreed to participate in private mediation by 2/12/07. The parties have not yet agreed on a separate private mediator, but will do so at a later time.

- Private ADR (please identify process and provider) later time.

The parties agree to hold the ADR session by:

- the presumptive deadline (*The deadline is 90 days from the date of the order referring the case to an ADR process unless otherwise ordered.*)
- other requested deadline By February 12,2007

/S/

Dated: 09/14/06

Ned A. Fine

Dated: 09/14/06

Attorney for Plaintiff

/S/

Mark H. Epstein

Attorney for Defendant

Unisource Worldwide, Inc.